IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL WRIT PETITION NO. 361 OF 2007

SAKHARAM PANDURANG KADU .. PETITIONER

Versus

THE STATE OF MAHARASHTRA & ANR... RESPONDENTS

Mr. N. N. Patil for petitioner

Mr. S.S. Pdenekar, APP

CORAM:-SMT. RANJANA DESAI &
ANOOP V. MOHTA, JJ.

DATED:- 26/2/2007

P.C.

. The 2nd respondent i.e. Deputy Commissioner of Police, Zone IV, Ulhasnagar, Dist. Thane has issued an order of externment against the petitioner. The petitioner has filed an appeal before the State Government challenging the said order. The said appeal is pending.

2. In this petition the petitioner has prayed that pending that appeal order of externment dated 18/1/07 be stayed because the appellate authority has not granted stay. The learned counsel for the

petitioner contended that the petitioner is a disabled person. He is a polio affected person and his disability exceeds 40 per cent. He further states that the petitioner's wife is dead and he has three and half years old son and, therefore, the order of externment may be stayed till the appeal is decided.

3. The learned APP does not dispute that the petitioner is a disabled person and that his wife is dead and that he has a young child. The learned APP states that the Government will dispose of the petitioner's appeal within a period of 15 days.

4. In the peculiar facts and circumstances of the case, and considering the statement made by the learned APP, we direct the State Government to dispose of the petitioner's pending appeal within a period of 15 days from the date of receipt of this order by the State Government. Till such time as the appeal is decided and the order is communicated to the petitioner the impugned externment order dated 18/1/2007 is stayed.

5. We make it clear that this order is passed in the peculiar facts and circumstances of the case

and not after considering the merits of the case. The appellate authority shall consider the petitioner’s appeal uninfluenced by this order.

6. The petitioner shall attend Vithalwadi Police Station every alternate day between 5 to 7 p.m. Liberty to the respondent to approach this court, if the petitioner does not abide by this condition.

7. Petition is disposed of in the aforestated terms.

JUDGE.

JUDGE.